



City of West University Place

A Neighborhood City

CITY COUNCIL

Bob Fry, Mayor
Susan Sample, Mayor Pro Tem
Ed Heathcott, Councilmember
Joan Johnson, Councilmember
Dick Yehle, Councilmember

STAFF

Michael Ross, City Manager
Alan Petrov, City Attorney
Thelma Lenz, City Secretary

City Council Meeting Agenda Asamblea del Concejo Municipal Orden del Día

Notice is hereby given of a regular meeting of the City Council of West University Place to be held on **Monday, May 20, 2013**, beginning at **6:30 p.m.** in the **Municipal Building Council Chambers**, 3800 University Boulevard, West University Place, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

Se notifica por el presente que habrá una asamblea ordinaria del Consejo Municipal de West University Place la cual se llevará a cabo el **lunes 20 de mayo de 2013**, a partir de las **6:30 p.m. en la Camara del Consejo del Edificio Municipal, ubicado en 3800 University Boulevard, West University Place, Texas**, con el fin de considerar los siguientes puntos del orden del día. Todos los puntos en el orden del día están sujetos a que se tome acción al respecto.

Council reserves the right to at any time during special workshop and/or regular meetings convene in a closed session pursuant to Chapter 551 of the Texas Government Code, for reasons including but not limited to: Section 551.071 (consultation with legal counsel to seek or receive legal advice or consultation regarding pending or contemplated litigation); Section 551.072 (discussion about the value or transfer of real property and other real estate matters); Section 551.074 (personnel matters); 551.076 (deliberation about security devices); Section 551.087 (deliberation regarding economic development).

Agenda items are as follows:

Call to Order
Pledge of Allegiance
Matters related to the notice of this meeting

1. Public Comments

This is an opportunity for citizens to speak to Council relating to agenda and non-agenda items. If the topic the speaker wishes to address is on the agenda, the speaker can either speak at this time or defer his/her comments until such time the item is discussed. Speakers are advised that comments cannot be received on matters which are the subject of a public hearing once the hearing has been closed. Speakers are required to register in advance and must limit their presentations to three minutes each.

2. Ordinance Canvassing 2013 General Election

Matters related to the consideration and adoption of an ordinance canvassing the returns and declaring the results of the General Election held on May 11, 2013; containing findings and provisions related to the subject; and declaring an emergency. *Recommended Action: Adopt ordinance on the first and final reading. Mr. Alan Petrov, City Attorney and Ms. Thelma Lenz, City Secretary* [see Agenda Memo 2]

Ordenanza de escrutinio de los resultados de la Elección

Asuntos relacionados con la consideración y adopción de una ordenanza de escrutinio y declaración de resultados de la Elección General celebrada el 11 de mayo de 2013; conteniendo los hallazgos y disposiciones relacionados con el tema; y declarando una emergencia. Acción recomendada: Adoptar la ordenanza en su primera y última lectura. Mr. Alan Petrov, Abogado de la Ciudad y Ms. Thelma Lenz, Secretaria de la Ciudad

3. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

A. City Council Minutes

Approve the Minutes of May 13, 2013. *Ms. Thelma Lenz, City Secretary*

B. Ordinance Regarding Accessory Quarters and Uses

Matters related to an ordinance amending the Code of Ordinances to clarify the definition of a dwelling; accessory quarters and uses. *Recommended Action: Approve Ordinance on second and final reading. Ms. Debbie Scarcella, City Planner and Mr. Steve Brown, ZPC Chair* [see Agenda Memo 3B]

C. Ordinance Regarding Driveways and Curb Cuts

Matters related to an ordinance amending the Code of Ordinance relating to driveways in the front yard, curb cuts in the right-of-way, and non-sfd parking space configuration. *Recommended Action: Approve ordinance on second and final reading. Ms. Debbie Scarcella, City Planner and Mr. Steve Brown, ZPC Chair* [see Agenda Memo 3C]

D. Ordinance Regarding Through Lots

Matters related to an ordinance amending the Code of Ordinances relating to through lots. *Recommended Action: Approve ordinance on second and final reading. Ms. Debbie Scarcella, City Planner and Mr. Steve Brown, ZPC Chair* [see Agenda Memo 3D]

E. Well #8 Close Out

Matters related to acceptance of the completed contract for Well #8. *Recommended Action: Accept completed contract for Well #8. Mr. Chris Peifer, ACM/Public Works Director* [see Agenda Memo 3E]

4. Reports by Council/Staff

5. Adjourn Meeting

In compliance with the Americans with Disabilities Act, if you plan to attend this public meeting and you have a disability that requires special arrangements, please contact City Secretary Thelma Lenz at 713.662.5813 at least 24 hours prior to the meeting so that reasonable accommodations can be made to assist in your participation in the meeting. The Municipal Building is wheel chair accessible from the west entrance and specially marked parking spaces are available in the southwest parking area. Special seating will be provided in the Council Chambers.

En cumplimiento con la Ley de Americanos con Discapacidades, si usted piensa asistir a esta asamblea pública y tiene alguna discapacidad que requiere de arreglos especiales, sírvase comunicarse con la Secretaria de la Ciudad Thelma Lenz llamando al 713.662.5813 por lo menos 24 horas antes de la asamblea para que se puedan hacer acomodos razonables para ayudar a que usted pueda participar en la asamblea. La entrada oeste del Edificio Municipal tiene acceso para sillas de ruedas y espacios de estacionamiento

marcados especialmente disponibles en la zona de estacionamiento suroeste. Se otorgarán asientos especiales en las Cámaras del Consejo.

I certify that the attached notice and agenda of items to be considered by the West University Place City Council on May 20, 2013 was posted on the Municipal Building bulletin board on May 17, 2013 at 5 o'clock p.m.



(SEAL)



Rachelle Moody, Deputy City Secretary

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	May 20, 2013	AGENDA ITEM:	2
DATE SUBMITTED:	May 15, 2013	DEPARTMENT:	Administration
PREPARED BY:	Thelma Lenz City Secretary	PRESENTER:	Thelma Lenz, City Secretary Alan Petrov, City Attorney
SUBJECT:	Canvassing Returns and Declaring Results of the May 11, 2013 Election		
ATTACHMENTS:	Ordinance		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

The City of West University Place held a General Election on Saturday, May 11, 2013. State law requires the City to canvass the returns of the election no earlier than the 3rd day and no later than the 11th day after the election.

RECOMMENDATION

Staff recommends approval and adoption of this ordinance on first and final reading canvassing returns and declaring the results of the May 11, 2013 election.

**City of West University Place
Harris County, Texas**

Ordinance No. XXXX

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD IN THE CITY OF WEST UNIVERSITY PLACE, TEXAS, ON MAY 11, 2013; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EMERGENCY.

WHEREAS, on February 25, 2013, the City Council of the City of West University Place, Texas, (the "City") adopted Ordinance No. 1966, which ordered that a general election be held in the City on May 11, 2013, for the purpose of electing a Mayor and four Council Members for two year terms; and

WHEREAS, said election was called and notices were given in accordance with the law, and the election was held in all material respects in conformity with the law; and

WHEREAS, the returns of such election have been duly and legally made and submitted to the City Council, and the City Council has examined such returns, including the tabulation attached hereto as Exhibit A and made a part hereof for all purposes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE:

Section 1. All of the recitals contained in the preamble to this Ordinance are found to be true and are adopted as findings of fact by this City Council and as part of its judgment, particularly the tabulation of returns of the election set out in Exhibit A.

Section 2. The City Council now formally canvasses the returns of such election, and it is hereby adjudged, determined and declared that:

- (1) **Bob Fry**, with a total of 794 votes cast for him, has been elected **MAYOR** of the City of West University Place, Texas; and
- (2) **Susan Sample**, with a total of 673 votes cast for her; **Joan Johnson** with a total of 661 votes cast for her; **Dick Yehle**, with a total of 638 votes cast for him; and **Ed Heathcott**, with a total of 612 votes cast for him; have been elected **COUNCIL MEMBERS** of the City of West University Place, Texas.

Section 3. The City Secretary is hereby authorized and directed to make the appropriate entries of information in the election register maintained by the City in accordance with provisions of Section 67.006 of the TEXAS ELECTION CODE.

Section 4. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance and the application of such word, phrase, clause, sentence,

paragraph, section or other part of this ordinance to any other persons or circumstances shall not be affected thereby.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 6. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Open Meetings Law, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 7. The public importance of this measure and the requirement of the law create an emergency and an urgent public necessity requiring that this ordinance be passed and take effect as an emergency measure, and a state of emergency is hereby declared. This ordinance is accordingly passed as an emergency measure and shall take effect immediately upon adoption and signature.

CONSIDERED, PASSED, APPROVED AND ADOPTED on first and final reading on the 20th day of May, 2013.

(Seal)

Attest:

Signed:

City Secretary Thelma A. Lenz

Mayor Bob Fry

Recommended:

Reviewed:

City Manager Michael Ross

City Attorney Alan Petrov

Exhibit A

**Canvass Report
(Next pages)**

Canvass Report — Total Voters — Official City of West University Place, Texas — General Election — May 11, 2013

Page 1 of 2
 05/11/2013 08:04 PM
 Precincts Reporting 5 of 5 = 100.00%

Total Number of Voters : 900 of 10,584 = 8.50%

Mayor (Two Year Term)

Precinct	Early Ballots Cast	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Bob Fry	Totals
0015	103	112	215	2773	7.75%	192	192
0087	97	134	231	2750	8.40%	202	202
0133	101	122	223	2607	8.55%	194	194
0183	105	126	231	2428	9.51%	206	206
0906	0	0	0	26	00.00%	0	0
Totals	406	494	900	10584		794	794

Canvass Report — Total Voters — Official City of West University Place, Texas — General Election — May 11, 2013

Total Number of Voters : 900 of 10,584 = 8.50% 05/11/2013 08:04 PM
Precincts Reporting 5 of 5 = 100.00%

Page 2 of 2

Councilmember (Two Year Term)

Precinct	Early Ballots Cast	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Sonny Brandtner	Dick Yehle	Jean Johnson	Susan Sample	Ed Heathcott	Totals
0015	103	112	215	2773	7.75%	61	161	153	173	155	703
0087	97	134	231	2750	8.40%	68	167	157	157	161	710
0133	101	122	223	2607	8.55%	98	131	164	155	140	688
0183	105	126	231	2428	9.51%	94	179	187	188	156	804
0906	0	0	0	26	00.00%	0	0	0	0	0	0
Totals	406	494	900	10584		321	638	561	673	612	2905

**Ciudad de West University Place
Condado de Harris, Texas**

Ordenanza Nro. XXXX

ORDENANZA DE ESCRUTINIO Y DECLARACIÓN DE RESULTADOS DE LA ELECCIÓN GENERAL LLEVADA A CABO EN LA CIUDAD DE WEST UNIVERSITY PLACE, TEXAS, EL 11 DE MAYO DE 2013; CONTENIENDO HALLAZGOS Y DISPOSICIONES RELATIVAS A DICHA ELECCIÓN; Y DECLARANDO UNA EMERGENCIA.

EN VISTA DE QUE el 25 de febrero de 2013, el Consejo Municipal de la Ciudad de West University Place, Texas (la "Ciudad"), adoptó la Ordenanza Nro. 1966 la cual ordenó que se celebrara una elección general en la ciudad el 11 de mayo de 2013, con el fin de elegir un Alcalde y cuatro (4) Concejales por término de dos (2) años; y

EN VISTA DE QUE dicha elección fue convocada y fue dado aviso de la misma de acuerdo con la ley, y la elección se celebró en todos sus aspectos materiales conforme a las leyes; y

EN VISTA DE QUE los resultados de tal elección fueron debida y legalmente preparados y presentados al Consejo Municipal, y el Consejo Municipal ha examinado tales resultados, incluyendo la tabulación adjunta al presente en el Anexo A, el cual es hecho parte del presente para todo propósito; y

AHORA, POR LO TANTO, EL CONSEJO MUNICIPAL DE LA CIUDAD DE WEST UNIVERSITY PLACE, TEXAS, ORDENA:

Sección 1. Todos los antecedentes contenidos en el preámbulo de esta Ordenanza son hallados verdaderos y son adoptados como hallazgos de hechos por este Consejo Municipal y como parte de su dictamen, de modo particular, la tabulación de resultados de la elección indicada en el Anexo A.

Sección 2. El Consejo Municipal ahora escruta formalmente los resultados de tal elección, y por el presente de dictamina, determina y declara que:

- (1) **Bob Fry**, con un total de 794 votos recibidos a su favor, fue elegido **ALCALDE** de la Ciudad de West University Place, Texas; y
- (2) **Susan Sample**, con un total de 673 votos recibidos a su favor, **Joan Johnson** con un total de 661 votos recibidos a su favor, **Dick Yehle**, con un total de 638 votos recibidos a su favor, y **Ed Heathcott**, con un total de 612 votos recibidos a su favor, fueron elegidos **CONCEJALES** de la Ciudad de West University Place, Texas.

Sección 3. Por el presente se autoriza e instruye a la Secretaria de la Ciudad para que ingrese la información apropiada en el registro electoral mantenido por la

Ciudad de acuerdo con las disposiciones de la Sección 67.006 del CÓDIGO ELECTORAL DE TEXAS.

Sección 4. Si alguna palabra, frase, cláusula, oración, párrafo, sección o alguna otra parte de esta ordenanza, o la aplicación de la misma a cualquier persona o circunstancia, es en algún momento determinada inválida o inconstitucional por cualquier tribunal con jurisdicción competente, el resto de esta ordenanza, y la aplicación de tal palabra, frase, cláusula, oración, párrafo, sección o alguna otra parte de esta ordenanza a toda otra persona o circunstancia, no será afectada por tal determinación.

Sección 5. Toda ordenanza y partes de ordenanzas que estén en conflicto con el presente son por el presente revocadas en la medida del conflicto solamente.

Sección 6. El Consejo Municipal halla, determina y declara que fue dado aviso suficiente de la fecha, hora, lugar y asunto de cada asamblea en la cual esta ordenanza fue tratada, considerada, o en la cual se tomó medidas al respecto, de la manera requerida por la Ley de Asambleas Abiertas, enmendada, y cada una de tales asambleas estuvo abierta al público en todo momento durante tal deliberación, consideración o acción, según lo exige la ley. El Consejo Municipal ratifica, aprueba y confirma tales avisos y el contenido y la colocación de los mismos.

Sección 7. La importancia pública de esta medida y el requisito legal crean una emergencia y una necesidad pública urgente que requiere que esta ordenanza sea aprobada y entre en vigencia como medida de emergencia, y por el presente se declara un estado de emergencia. Esta ordenanza es por consiguiente pasada como medida de emergencia y entrará en vigor inmediatamente de ser aprobada y firmada.

CONSIDERADA, PASADA, APROBADA Y ADOPTADA en su primera y final lectura el día 20 de mayo de 2013.

(Sello)

Atestigua:

Firmado:

Secretaria de la Ciudad Thelma A. Lenz

Alcalde Bob Fry

Recomendado por:

Repasado por:

Administrador de la Ciudad Michael Ross

Abogado de la Ciudad Alan Petrov

Anexo A

Informe de Escrutinio (Páginas siguientes)

Canvass Report — Total Voters — Official City of West University Place, Texas — General Election — May 11, 2013

05/11/2013 08:04 PM
 Precincts Reporting 5 of 5 = 100.00%

Page 1 of 2

Total Number of Voters : 900 of 10,584 = 8.50%

Mayor (Two Year Term)

Precinct	Early Ballots Cast	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Bob Fry	Totals
0015	103	112	215	2773	7.75%	192	192
0087	97	134	231	2750	8.40%	202	202
0133	101	122	223	2607	8.55%	194	194
0183	105	126	231	2428	9.51%	206	206
0906	0	0	0	26	00.00%	0	0
Totals	406	494	900	10584		794	794

Canvass Report — Total Voters — Official City of West University Place, Texas — General Election — May 11, 2013

05/11/2013 08:04 PM
 Precincts Reporting 5 of 5 = 100.00%

Page 2 of 2

Total Number of Voters : 900 of 10,584 = 8.50%

Councilmember (Two Year Term)

Precinct	Early Ballots Cast	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Sony Brandtner	Dick Yehle	Jean Johnson	Susan Sample	Ed Heathcott	Totals
0015	103	112	215	2773	7.75%	61	161	153	173	155	703
0087	97	134	231	2750	8.40%	68	167	157	157	161	710
0133	101	122	223	2607	8.55%	98	131	164	155	140	688
0183	105	126	231	2428	9.51%	94	179	187	188	156	804
0906	0	0	0	26	00.00%	0	0	0	0	0	0
Totals	406	494	900	10584		321	638	561	573	612	2905



The City of West University Place

A Neighborhood City

CITY COUNCIL

Bob Fry, Mayor
Susan Sample, Mayor Pro Tem
Ed Heathcott, Councilmember
Joan Johnson, Councilmember
Dick Yehle, Councilmember

STAFF

Michael Ross, City Manager
Alan Petrov, City Attorney
Thelma Lenz, City Secretary

CITY COUNCIL MEETING MINUTES

The City Council of the City of West University Place, Texas, met in special and regular sessions on **Monday, May 13, 2013**, in the Municipal Building, 3800 University, West University Place, Texas beginning at **6:00 p.m.**

SPECIAL MEETING/WORKSHOP (Conference Room)

Call to Order. Mayor Fry called the special meeting to order at 6:00 pm in the Conference Room. Council, staff and other officials in attendance were: Mayor Pro Tem Sample, Councilmembers Heathcott, Johnson and Yehle, City Manager Ross, Assistant City Manager/Public Works Director Peifer, City Secretary Lenz, and Assistant City Attorney Eversole, JRBP.

At 6:00 p.m., Mayor Fry recessed the Special Meeting/Workshop to convene into Executive Session per Section 551.071 (Consultation with City Attorney) and 551.072 (Deliberation regarding value or transfer of real property and other real estate) of Chapter 551 of the Texas Government Code to discuss the following.

1. College Street/Bellaire Boulevard Detention

Matters related to detention for the College Street/Bellaire Boulevard storm water project.

At 6:24 p.m., Councilmember Johnson moved to close the Executive Session and reconvene the Special Meeting/Workshop. Councilmember Heathcott seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle

Noes: None

Absent: None

2. College Street/Bellaire Boulevard Detention

Take any desired action related to detention for the College Street/Bellaire Boulevard storm water project

No Action Taken.

3. Adjourn Special Meeting/Workshop

With no further business, at 6:25 p.m., Mayor Pro Tem Sample moved to adjourn the Special Meeting/Workshop. Councilmember Johnson seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

REGULAR MEETING (Council Chambers)

Agenda items were as follows:

Call to Order. Mayor Fry called the meeting to order at 6:33 p.m. in the Council Chambers. Council and Staff in attendance were: Mayor Pro Tem Sample, Councilmembers Heathcott, Johnson, and Yehle, City Manager Ross, City Attorney Petrov, Assistant City Manager/Public Works Director Peifer, City Secretary Lenz, Police Chief Walker, Finance Director Daugherty, Fire Chief Emeritus Ralls and Fire Chief Taylor.

Councilmember Heathcott led the Pledge of Allegiance.

Secretary Lenz confirmed that the Notice of the special and regular meetings was duly posted in accordance with the Texas Government Code, Chapter 551.

4. Public Comments

This was an opportunity for citizens to speak to Council relating to agenda and non-agenda items.

There were no comments from the public.

5. A Ordinance Regarding Accessory Quarters and Uses

Matters related to an ordinance amending the Code of Ordinances to clarify the definition of a dwelling; accessory quarters and uses.

City Planner Scarcella presented this item and said the proposal basically changes the definition of dwellings and accessory quarters and expounds on what an accessory use is. She said the intent of the ordinance is to equalize the uses of habitable space above detached garages and habitable space above attached garages and to make uses of the spaces more flexible.

Councilmember Yehle moved to close the Public Hearing, which was still open from the Public Hearing held on April 8, 2013. Councilmember Johnson seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

Councilmember Yehle then moved to approve on first reading an ordinance amending the zoning ordinance and Code of Ordinances of the City of West University Place, Texas, regarding the definition of dwellings, accessory quarters and uses and containing findings and other provisions relating to the subjects. Mayor Pro Tem Sample seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

6. Ordinance Regarding Driveways and Curb Cuts

Matters related to an ordinance amending the Code of Ordinance relating to driveways in the front yard, curb cuts in the right-of-way, and non-sfd parking space configuration.

City Planner Scarcella presented this item and said the proposed ordinance relates to the number of curb cuts and driveways in front yards and public right-of-ways. She said originally there were some clarifications included relating to Non Single-Family District type maneuvering areas, but after hearing comments at the Zoning and Planning Commission's meeting on April 11 and comments received at the Joint Public Hearing with City Council on April 8, the Zoning and Planning Commission decided to remove the Non Single-Family District maneuvering areas language in order to further study the ramifications on existing commercial and non single-family uses. She said the rest of the ordinance stands as it was presented at the Public Hearing.

Councilmember Johnson moved to close the Public Hearing, which was still open from the Public Hearing held on April 8, 2013. Mayor Pro Tem Sample seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

Councilmember Yehle moved to approve on first reading an ordinance amending the Zoning Ordinance and Code of Ordinances of the City of West University Place, Texas, regarding the number of driveways in the front yard and the number of curb cuts in the public right-of-way and contain findings and other provisions relating to the subjects. Mayor Pro Tem Sample seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

7. Ordinance Regarding Through Lots

Matters related to an ordinance amending the Code of Ordinances relating to through lots.

City Planner Scarcella presented this item and said the proposed ordinance relates to the different types of building sites and how they are subsequently fenced. She said the ordinance is being proposed because there isn't a clear definition of what a through-lot is and how it applies when there are corner sites and/or when a lot doesn't go all the way through the block. She said this proposed ordinance included illustrations that show the different types of lots and clarifies the fencing regulations in Chapter 18 so that it consistent with the Zoning regulations.

Councilmember Yehle asked if the illustrations would be part of the ordinance. Ms. Scarcella said yes, they will be part of the ordinance and will be in the Code behind the Zoning regulations with all other illustrations.

Mayor Pro Tem Sample moved to close the Public Hearing, which was still open from the Public Hearing held on April 8, 2013. Councilmember Johnson seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

Councilmember Yehle moved to approve on first reading an ordinance amending the Zoning Ordinance and Code of Ordinances of the City of West University Place, Texas, regarding definitions

of building sites and locations of fences and containing findings and other provisions relating to the subjects. Councilmember Heathcott seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

8. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

A. City Council Minutes

Approve the Minutes of April 22, 2013 and Special Minutes of May 6, 2013.

B. Water Rates Ordinance

Matters related to an ordinance increasing the City water rates.

C. On-Call Debris Hauler

Matters related to a contract for on-call debris hauler services.

D. On-Call Debris Monitoring

Matters related to a contract for on-call debris monitoring.

E. Bank Depository

Matters related to selection of a financial institution to serve as the City's Bank Depository.

F. 2012 Budget Amendment

Matters related to an ordinance amending the 2012 City Budget.

Councilmember Johnson moved to approve the Consent Agenda as presented. Councilmember Heathcott seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

9. Reports by Council/Staff

City Manager Ross reported that the City held its Shred-It event a couple of weeks ago and it didn't go as staff had planned. He said there was a mix-up in the start time with the contractor, but steps have been taken to ensure that it doesn't happen again.

Mayor Fry gave special recognition to Councilmember Heathcott for being at the Shred-It event and helping to calm the situation.

Councilmember Yehle said there was also an issue with the contractor on Heavy Trash Day. Staff said the contractor did not deliver the set number of containers in the specified time, but said steps have been taken to ensure that it doesn't happen again.

10. Adjourn Meeting

With further business, Councilmember Heathcott moved to adjourn the meeting at 6:45 p.m. Councilmember Yehle seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

Prepared By:

Thelma A. Lenz, City Secretary

Date Approved

DRAFT

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	May 20, 2013	AGENDA ITEM:	3B
DATE SUBMITTED:	May 6, 2013	DEPARTMENT:	Public Works
PREPARED BY:	Debbie Scarcella, City Planner	PRESENTER:	Debbie Scarcella, City Planner; Steve Brown, ZPC Chairman
SUBJECT:	Definition of Dwellings, Accessory Quarters and Uses.		
ATTACHMENTS:	Ordinance and Final Report		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

The Z&PC has been evaluating staff-proposed, clarifying changes to the Zoning Ordinance. One of these changes deals with the requirement that a single-family (detached) district allows only a single dwelling unit plus one accessory quarters that is attached to or a part of the principal dwelling. There are some existing non-conforming configurations where habitable spaces meeting the definition of a dwelling exist above detached garages. If the garages were attached, the same configuration would be a conforming use. Additionally, other accessory-type uses are prohibited due to the definition of "dwelling" and "accessory quarters". This proposed ordinance changes the definition of "accessory quarters" to make it clear that accessory quarters are allowed in both attached and detached garages; the definition of "accessory" and "single-family (detached) use" have been changed to clarify the types of lawful accessory uses permitted in a single-family district; and the definition of "dwelling" has been changed to clarify which elements are minimally necessary for a structure to be considered a dwelling.

A joint public hearing was held on April 8, 2013. A continuation of the hearing and a meeting of the ZPC were held on April 11, 2013. One additional favorable comment regarding the proposal was received. Council approved the first reading of the ordinance on May 13, 2013.

RECOMMENDATION

The Zoning and Planning Commission and staff recommend approval of the ordinance on the second and final reading.

**City of West University Place
Harris County, Texas**

Ordinance No. _____

**AN ORDINANCE AMENDING THE ZONING ORDINANCE AND CODE
OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE,
TEXAS REGARDING THE DEFINITION OF DWELLINGS; ACCESSORY
QUARTERS AND USES; AND CONTAINING FINDINGS AND OTHER
PROVISIONS RELATING TO THE SUBJECTS.**

WHEREAS, the City Council and the Zoning and Planning Commission ("Z&PC") of the City of West University Place, Texas ("City") have held a joint public hearing on a proposal to amend the Zoning Ordinance of the City, as last re-formatted and re-adopted by Ordinance No. 1672, adopted March 12, 2001, and as subsequently amended ("Zoning Ordinance");

WHEREAS, the Z&PC has made a final report to the City Council with respect to such proposal, which report is attached as Exhibit A and made a part of this ordinance; and

WHEREAS, the City Council has considered the report of the Z&PC as well as the City's Comprehensive Plan, and City Council formally approves and adopts the report of the Z&PC; and

WHEREAS, all notices, hearings and procedures relating to amending the Zoning Ordinance, as may be required by law, the City Charter or the Zoning Ordinance, have been duly given, held and followed, and the City Council has jurisdiction to amend the Zoning Ordinance as provided herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF WEST UNIVERSITY PLACE:**

Section 1. The City Council officially finds, determines, declares and adopts all of the matters set out in the preamble of this ordinance, and the Zoning Ordinance is hereby amended as recommended by the Z&PC, according to the Z&PC's final report in Exhibit A, which is attached and made a part of this ordinance for all purposes.

Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 3. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other

persons or circumstances, shall be affected thereby.

Section 4. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof. The City Council officially finds, determines and declares that sufficient notices of the joint public hearing were given, and the City Council ratifies, approves and confirms such notices, including the contents and the method in which they were given.

Section 5. This ordinance shall become effective on the tenth day following its publication, as provided in the City Charter.

CONSIDERED, PASSED, AND APPROVED on first reading on _____,
20____.

CONSIDERED, PASSED, AND APPROVED on second reading, **AND SIGNED**, on
_____, 20____.

Attest: _____
City Secretary

Signed: _____
Mayor

Recommended:

City Manager

Approved as to legal form:

City Attorney

Exhibit A

Zoning & Planning Commission

City of West University Place, Texas
3800 University Boulevard
West University Place, Texas 77005

April 11, 2013

Honorable Mayor &
Members of the City Council
City of West University Place
3808 University Boulevard
Houston, Texas 77005

Subject: Final report on a proposal to amend the Zoning Ordinance and Code of Ordinances of the City of West University Place, Texas ("City") relating to THE DEFINITION OF DWELLINGS; ACCESSORY QUARTERS AND USES.

To the Honorable Mayor
& Members of City Council:

The Zoning & Planning Commission (Z&PC) of the City submits this, its final report, on the subject proposal, for the assistance of the Council as well as other interested persons.

Scope of Proposal. This proposal amends Chapter 2, Section 2-102 of Appendix A of the Code of Ordinances by changing the definition of:

- A. "Accessory quarters" to make it clear that accessory quarters are allowed in both attached and detached garages;
- B. "Accessory" and "Single-family (detached) use" to clarify types of lawful accessory uses permitted in a single-family district; and,
- C. "Dwelling" to clarify which elements are minimally necessary for a structure to be considered a dwelling.

The Z&PC has been evaluating staff-proposed, clarifying changes to the zoning ordinance. In particular, the Z&PC is attempting to address the requirement that within a single-family (detached) district (SFD), a building site may contain only a single dwelling unit plus one accessory quarters (e.g., a maid's quarters) that is attached to the principal dwelling.

Property owners who have accessory quarters over detached garages or in separate buildings are not allowed to substantially renovate them, while residents with attached accessory quarters have more flexibility in using such space. Under existing code, a detached garage containing accessory quarters is not a legally conforming use of the accessory structure.

The presumption is that attached accessory quarters are allowed since it is unlikely that a homeowner would lease accessory quarters within the principal structure to an unrelated person. However, it is not necessary to use the definition of "accessory quarters" in an attempt to prevent leasing because leasing is prohibited by the Code of Ordinances and there are other provisions written into the regulations to discourage multi-family use in a SFD.

The definition of a "dwelling" and "accessory quarters" were not written just as a prohibition against certain types of uses, but also to establish minimum requirements for a structure in a SFD. The Z&PC's concern is that the existing regulation may over-regulate spaces contained within a SFD. Residents may want to use these spaces for special single-family purposes such as guest suites and game rooms. Other examples of accessory buildings, structures or uses might include outdoor living spaces, such as cabana-type structures or kitchen patio areas that are intended to be extensions of swimming pool spaces and outdoor living areas.

The public hearing held on April 8, 2013 at 6:30 p.m. in a joint session with City Council yielded some comment from the public. The public hearing was recessed and continued to the regular session of the Zoning and Planning Commission held on April 11, 2013 at 6:00 p.m. There were additional, supportive comments received and no changes to the proposal requested. The Zoning and Planning Commission closed its portion of the public hearing.

Recommendation. Based on the review given this proposal, the Z&PC: (i) finds that the proposal, if adopted, would be in the public interest and consistent with the Comprehensive Plan, (ii) finds that the proposal reasonably addresses circumstances which have arisen since the last comprehensive revision of the zoning ordinance, (iii) makes its final recommendation favorable to the proposal, and (iv) recommends that the City Council adopt the proposal.

The Vote. The vote on approval of this report was as follows: Brown, Frankel, DeStefano, Griffith, Parikh, Clark, McEnany voted "aye"; 0 "noes"; 0 absent.

Respectfully submitted:

ZONING AND PLANNING COMMISSION OF THE
CITY OF WEST UNIVERSITY PLACE, TEXAS

By: 
For the Commission

Amend Appendix A. Article 2, Section 2-102, "Certain Terms", to read as follows:

Accessory. A building, structure or use is "accessory" if it is: (i) subordinate and incidental to a lawful principal building and use on the same building site, and (ii) is necessary or convenient for a lawful principal use of such building. An accessory building, structure or use can include, but is not limited to a garage, guest quarters, pool cabana, game room or other similar use. (But see, Table 7-1, Note 2.)

Accessory quarters (or "AQ"). A dwelling unit meeting all of the following criteria: (i) it is located on the same building site ~~with as a dwelling unit within~~ a principal building containing a dwelling used for single-family (detached) use; and (ii) it includes no more than six hundred square feet of gross floor area.

Dwelling unit (or "DU"). A building, a single room or a group of rooms ~~occupied or capable of being occupied and which~~ as separate living quarters. ~~Separate living quarters are those which~~ have all of the following: (i) direct access from outside of the building or through a common hall; (ii) ~~plumbing and electrical facilities sufficient to serve~~ a kitchen area including a sink, a refrigerator and cooking equipment; and (iii) a full bathroom including a sink, a commode and either a bathtub or a shower.

Single-family (detached) use (or "SFD"). A use of a building site which meets all of the following criteria:

- (1) There is no more than one dwelling unit ~~plus~~ and one accessory quarters. Other lawful accessory uses are permitted, on the building site. (But see, Table 7-4b).
- (2) There is no multiple utility service on the building site.
- (3) There is no physical connection between any building on the building site and any other building on another building site.
- (4) No more than one family, plus no more than two residential workers, reside upon the building site.
- (5) If the family includes a person not related to each of the others in the family within four degrees of consanguinity or affinity, the unrelated person resides in the principal building with at least one of the others.
- (6) The entire building site is used exclusively for residential purposes (although, as provided in the definition of "residential purposes," an affirmative defense is available for a home occupation and an incidental sale).

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	May 20, 2013	AGENDA ITEM:	3C
DATE SUBMITTED:	May 6, 2013	DEPARTMENT:	Public Works
PREPARED BY:	Debbie Scarcella, City Planner	PRESENTER:	Debbie Scarcella, City Planner; Steve Brown, ZPC Chairman
SUBJECT:	Driveways and Curb Cuts in the Front Yard and Public Right of Way.		
ATTACHMENTS:	Proposed Ordinance and Final Report.		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

Currently, curb cuts, curb returns and driveways are regulated in both Chapter 70 and the Zoning Regulations of the City Code of Ordinances. Staff has noticed conflicts between the two sets of regulations and the Zoning Board of Adjustments has issued special exceptions to resolve these conflicts. Basically the proposed ordinance contains changes initiated by staff to resolve these conflicts. The purpose of the ordinance is to 1) resolve inconsistencies between curb cut and driveway regulations, 2) specify the dimensioned requirements for different types of curb cuts and driveways, and 3) clarify that required maneuvering areas for non-single-family district uses must be provided so that a vehicle can enter and exit the parking areas in a forward motion.

A fourth previously proposed change was to redefine the minimum parking dimensions for non-single-family district parking spaces. This proposal has been removed from this ordinance due to the commentary received at the joint public hearing held on April 8, 2013 and at the subsequent ZPC meeting held on April 11, 2013. The ZPC decided to study the parking dimension issue further and reconsider the ramifications to proposed and, especially, existing parking areas. Council approved the first reading on May 13, 2013.

RECOMMENDATION

The Zoning and Planning Commission and staff recommend approval of the ordinance on the second and final reading.

**City of West University Place
Harris County, Texas**

Ordinance No. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS REGARDING THE NUMBER OF DRIVEWAYS IN THE FRONT YARD AND NUMBER OF CURB CUTS IN THE PUBLIC RIGHT OF WAY; AND CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECTS.

WHEREAS, the City Council and the Zoning and Planning Commission ("Z&PC") of the City of West University Place, Texas ("City") have held a joint public hearing on a proposal to amend the Zoning Ordinance of the City, as last re-formatted and re-adopted by Ordinance No. 1672, adopted March 12, 2001, and as subsequently amended ("Zoning Ordinance");

WHEREAS, the Z&PC has made a final report to the City Council with respect to such proposal, which report is attached as Exhibit A and made a part of this ordinance; and

WHEREAS, the City Council has considered the report of the Z&PC as well as the City's Comprehensive Plan, and City Council formally approves and adopts the report of the Z&PC; and

WHEREAS, all notices, hearings and procedures relating to amending the Zoning Ordinance, as may be required by law, the City Charter or the Zoning Ordinance, have been duly given, held and followed, and the City Council has jurisdiction to amend the Zoning Ordinance as provided herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE:

Section 1. The City Council officially finds, determines, declares and adopts all of the matters set out in the preamble of this ordinance, and the Zoning Ordinance is hereby amended as recommended by the Z&PC, according to the Z&PC's final report in Exhibit A, which is attached and made a part of this ordinance for all purposes.

Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 3. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances, shall be affected thereby.

Section 4. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by

the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof. The City Council officially finds, determines and declares that sufficient notices of the joint public hearing were given, and the City Council ratifies, approves and confirms such notices, including the contents and the method in which they were given.

Section 5. This ordinance shall become effective on the tenth day following its publication, as provided in the City Charter.

CONSIDERED, PASSED, AND APPROVED on first reading on _____, 20____.

CONSIDERED, PASSED, AND APPROVED on second reading, **AND SIGNED**, on _____, 20____.

Attest: _____
City Secretary

Signed: _____
Mayor

Recommended:

City Manager

Approved as to legal form:

City Attorney

Exhibit A

Zoning & Planning Commission

City of West University Place, Texas
3800 University Boulevard
West University Place, Texas 77005

April 11, 2013

Honorable Mayor &
Members of the City Council
City of West University Place
3808 University Boulevard
Houston, Texas 77005

Subject: Final report on a proposal to amend the Zoning Ordinance and Code of Ordinances of the City of West University Place, Texas ("City") relating to THE NUMBER OF DRIVEWAYS IN THE FRONT YARD AND NUMBER OF CURB CUTS IN THE PUBLIC RIGHT OF WAY.

To the Honorable Mayor
& Members of City Council:

The Zoning & Planning Commission (Z&PC) of the City submits this, its final report, on the subject proposal, for the assistance of the Council as well as other interested persons.

Scope of Proposal. Currently, curb cuts, curb returns and driveways are regulated in both Chapter 70 and the Zoning Ordinance of the City Code of Ordinances. The purpose of this proposal is to 1) ensure the consistency of the curb cut and driveway regulations contained in Chapter 70 and the Zoning Ordinance, 2) specify the regulations and requirements for curb cuts and driveways, and 3) clarify that required maneuvering areas for non-SFD uses must be provided so that a vehicle can enter and exit the required parking areas in a forward motion without backing into the street area.

A). This proposal amends Chapter 70, Section 70-27 of the Code of Ordinances to establish the widths of curb cuts, curb returns and driveways to standardize these requirements with Table 7-5a of the Zoning Ordinance.

B). This proposal amends Table 7-5a of the Zoning Ordinance to clarify that the regulated number of curb cuts applies to designated building sites.

C). This proposal amends Table 7-5a, Note 5, of the Zoning Ordinance, which allows for the ZBA to issue a special exception for an alternate driveway configuration. This proposal amends this allowance and gives staff the authority to approve a driveway and curb cuts that meet this requirement, and

D). This proposal clarifies the section regarding maneuvering areas and entry and exit to and from a required parking space in a forward motion.

The public hearing held on April 8, 2013 at 6:30 p.m. in a joint session with City Council yielded concerns regarding the proposed dimensions of the non-SFD parking areas. The public hearing was recessed and continued to the regular session of the Zoning and Planning Commission held on April 11, 2013 at 6:00 p.m. There were additional comments received regarding the proposed parking dimensions and changes to the proposal were requested. The Zoning and Planning Commission closed its portion of the public hearing. In its regular session, the Zoning and Planning Commission determined that the parking dimension proposal needed further study to determine the impact on existing non-SFD sites. The parking area dimensions and illustration were removed from the final report.

Recommendation. Based on the review given this proposal, the Z&PC: (i) finds that the proposal, if adopted, would be in the public interest and consistent with the Comprehensive Plan, (ii) finds that the proposal reasonably addresses circumstances which have arisen since the last comprehensive revision of the zoning ordinance, (iii) makes its final recommendation favorable to the proposal, and (iv) recommends that the City Council adopt the proposal.

The Vote. The vote on approval of this report was as follows: Brown, Frankel, DeStefano, Griffith, Parikh, Clark, and McEnany "aye"; 0 "noes"; 0 absent.

Respectfully submitted:

ZONING AND PLANNING COMMISSION OF THE
CITY OF WEST UNIVERSITY PLACE, TEXAS

By: 
For the Commission

Table 7-5a: Parking, driveways, etc.		<p><i>General Rule:</i> Every building site, vehicular area and related structure must conform to the applicable regulations shown, by District, in this table. ("N/A" means the rule does not apply.)</p> <p><i>Exceptions/Special Rules:</i> (1) See special rules noted in table. (3) See Article 9 regarding Planned Development Districts. (3) See Note 7 regarding special exceptions. (4) See Article 10.</p>						
Item	Regulation	SF-1	SF-2	SF-3	TH	GR-1	GR-2	C
Off-street parking spaces and parking areas <i>Other regulations apply; see, e.g. Article 10</i>	Number, location, size, design	Depends on land use, layout, etc. <i>See this Table, Table 7-4a, and Article 10 (including maneuvering areas, design requirements, "same site" rule, yards, street areas, loading spaces, etc.).</i>						
	Maneuvering areas	<i>See Article 10.</i>						
	Grouping or sharing.	Not allowed, except in a QMDS platted parking reserve serving two or more DU's. <i>But see Note 2.</i>						
	Use of parking areas	Parking spaces for non-SFD uses may only be used for motor vehicle parking. <i>See Note 3.</i>						
Emergency accessway	Minimum width. <i>See Note 1.</i>	20 ft, via public or private street, to each principal building and each DU (or to an adjacent open area accessible to firefighters and equipment). Other regulations also apply, e.g., fire code.						
Driveways and private streets <i>Other regulations apply; see, e.g. Article 10.</i>	Minimum width. <i>See Note 1.</i>	For SFD use: nine ft. For non-SFD residential use: 10 feet, or 17 feet if two-way and serving three or more DU's.						
	Maximum width (in front yard or street area) <i>See Note 1.</i>	For SFD use: (i) Driveway serving any single-bay garage: 12 feet. (ii) Driveway in a front yard serving rear garage or side-facing garage: 12 feet. (iii) Driveway in side street area of a corner site serving a side-facing garage with three or more bays: 30 feet; (iv) Any other driveway: 20 feet. For other residential uses: 24 ft. (or 35 feet if connecting to a major thoroughfare). For all other uses: 30 feet (or 35 feet if connecting to a major thoroughfare).						
	Maximum length	For non-SFD uses: 160 feet, driving distance to the nearest street area, measured along centerline from farthest end point. A longer driveway is allowed if there is an approved turnaround or second means of egress, or if the drive-way is platted as part of the common area in a QMDS.						
	Route, location	<i>See Note 6.</i>				N/A		
	Spacing	For non-SFD uses: There must be at least 40 feet between the "inside" apron edges (at their narrowest points) of driveways serving the same building site.						
Pavement	Required type <i>See Note 4.</i>	For SFD use: Hard-surfaced or pervious pavement required for each required driveway and parking space; twin "ribbons" of pavement are permitted. For all other uses: Reinforced concrete, with curbs and drains required for all vehicular areas. Exceptions: (i) See Table 7-3 (pervious pavement) and Note 4, below. (ii) See Article 10 regarding "overhang."						

Markings; wheel stops.	Required type	For non-SFD uses: Parking spaces must be clearly marked on the pavement, and wheel stops are required. <i>See Note 12.</i>
Curb cuts <i>Other regulations apply; see, e.g. Article 10 and Chapter 70 of the Code of Ordinances.</i>	Number	For SFD use: Maximum one per subdivided lot <u>designated building site</u> abutting the street. For non-SFD uses: Maximum one per 50-ft. segment of street line. <i>See Note 5.</i>
	Max. width per 50-ft. segment of street line	Four feet (for aprons) plus the maximum driveway width allowed. Each curb cut must be confined to the part of the street area that directly abuts the building site(s) served. <i>See Note 1.</i>
Visibility triangles <i>See definitions in Article 2</i>	Forbidden structures, plants and other things	The following are forbidden on parts of a building site within a visibility triangle: structures, plants or other things taller than 2.0 ft. or shorter than 8.0 ft. This does not require removal of trees in existence on July 1, 1992, if kept pruned.

Note 1. Width measurement methods. Minimum driveway width refers to unobstructed vehicular access path and, for non-SFD use, pavement. Maximum driveway width refers to maximum width of pavement in a front yard or street area, excluding complying curb cut aprons. Maximum curb cut width refers to the width of the driveway plus aprons, measured at the edge of the roadway.

Note 2. Grouped or shared parking. Article 10 also provides for a special exception, in certain circumstances.

Note 3. Parking exclusivity (non-SFD uses). Required parking spaces must be kept open, readily accessible and used for parking only, with no sales, dead storage, display, repair work, dismantling or servicing of any kind. Required guest parking spaces must be kept open and reserved for that use only.

Note 4. Pavement. The ZBA may issue a special exception to allow other materials if it finds that they will provide equal or better durability.

Note 5. Curb cuts. The ZBA may issue a special exception for additional curb cuts. ~~Two curb cuts for~~ € circular driveways specifically allowed by ~~another ordinance~~ Chapter 70 of the Code of Ordinances are not prohibited and do not require a special exception.

Note 6. Route; Alternating Driveways. Each driveway must connect garage space to the street by the most direct route. On narrow sites where alternate side yard areas apply (see "Yards" table), the following special restrictions also apply: (A) there must be a driveway located as nearly as practicable to one side of the site; (B) the side is determined in accordance with the established driveway pattern for the block face in question, if there is such a pattern; and (C) if there is no such pattern, and if there is an adjacent driveway on one adjoining building site but not the other, the driveway must be on the side farthest from the adjoining driveway. Exceptions: (i) this paragraph does not prohibit circular driveways specifically permitted under another ordinance of the City, and (ii) a driveway may be curved or moved away from the most direct route to the extent reasonably necessary to avoid destroying or seriously injuring a tree.

Note 7. Special Exceptions. The ZBA may issue a special exception for a parking area, garage or driveway (or other maneuvering area) in another location or with a different design than prescribed by this ordinance, if it finds that: (i) the other location or design will not unreasonably interfere with available light and air and will not significantly alter access for fire-fighting and similar needs; (ii) the other location or design will prevent the destruction of a qualified tree; (iii) in the case of the remodeling of a principal building, the location requested is the same location as an existing parking area, garage or driveway; or (iv) the location or design requested is necessary for safety considerations.

Note 8. Curb Cuts in POD- TH1. (i) If a building site abuts both Bellaire Boulevard and another street, then all vehicular access shall be from the other street, and no more than two curb cuts shall be allowed. However, in the case of the development of Lots 6, 7, 8, 9 and the east ten feet of Lot 10, Block 1, Kent Place Addition, if Lot 6 is included in the same building site or in a joint development with the other lots, vehicular access shall be limited to one curb cut on Mercer Street. (ii) If a building site abuts only Bellaire Boulevard, vehicular access shall be limited to two curb cuts.

Note 9. Curb Cuts in POD- THS. (i) If a building site abuts both Academy and Bissonnet, no curb cuts on Bissonnet and no more than two curb cuts on Academy are permitted. (ii) If a building site abuts only Bissonnet, there may be no more than two curb cuts.

Note 10. Driveways in POD- TH7. Cul-de-sac driveways in PDD-TH7 may not exceed 50 feet in length, or 200 feet if a terminus is provided with dimensions adequate for turning.

Note 11. Curb Cuts in POD- TH2. (i) If a building site abuts both Kirby Drive and another street, there may be one curb cut on Kirby Drive and on each other abutting street. (ii) If a building site abuts only Kirby Drive, vehicular access shall be limited to two curb cuts.

Note 12. Curbs as Wheel Stops. Curbs may be used as wheel stops. Area outside a curb-wheel stop counts toward minimum parking space dimensions if actually usable as "overhang" and not needed for maneuvering area.

Section 10-102. - Minimum Dimensions; Design.

(a) *Parking Spaces.* All parking spaces must be at least nine feet wide and 18 feet long in order to be counted toward the minimum required number. In addition, the following regulations apply in the indicated circumstances:

(1) Ninety-degree angle parking: Maneuvering space shall be not less than 23 feet in length or breadth.

(2) Sixty-degree angle parking: Each parking space shall be not less than nine feet wide perpendicular to the parking angle and not less than 18 feet in length when measured at right angles to the building or parking line. Maneuvering space shall be not less than 18 feet perpendicular to the building or parking lines.

(3) Forty five degree angle parking: Each parking space shall be not less than nine feet wide perpendicular to the parking angle and not less than 18 feet in length when measured at right angles to the building or parking lines. Maneuvering space shall not be less than 15 feet perpendicular to the building or parking line.

(4) Wheelchair-accessible parking spaces: Must be installed and maintained with numbers and sizes prescribed by applicable regulations.

(b) *Walkways.* A private walkway, if provided adjacent to a non-SF building, shall be not less than five feet in width and shall be in addition to the minimum requirement for parking and maneuvering space herein required. In a QMDS, there must be a paved walkway (at least 3.0 ft. wide) to the curb from each main entrance oriented toward a street area.

(c) *Maneuvering areas.* In addition to the minimum dimensions for parking spaces, there must be sufficient driveways and other maneuvering areas to allow ordinary, practical use of each required parking space. Maneuvering areas for non-SFD uses must also comply with the following:

(1) To facilitate access to each required garage parking space, there must be a maneuvering area immediately outside the garage opening. The minimum dimensions are 24 feet long and two feet wider than the garage opening and the area must be located entirely on the building site.

(2) Maneuvering areas may not be counted toward the required number of parking spaces.

(3) Maneuvering areas (except those serving only one or two dwelling units) must be provided, sized and arranged so that a large vehicle can enter and exit the required parking areas in a forward motion without backing into the street area. ~~leave the street driving forward, enter any required parking space driving forward, park in that space, and then reenter the street area driving forward, all with no more than two steps to change directions.~~ As used in this section, "large vehicle" means a truck 18 feet long, with a turning radius of 24 feet (outside of bumper).

(4) Reasonable, usable "overhang" above low landscaping and similar areas may be counted toward required maneuvering area.

(d) *Traffic Engineering Handbook.* All parking spaces, maneuvering areas, loading areas and other vehicular facilities must comply with the applicable provisions of the Traffic Engineering Handbook, ~~5th Ed. (1999),~~ current edition, including, in particular, Chapter 14. Where multiple standards are provided, the highest standard shall apply. ~~Example:~~

~~"Parking Class A" standards in Table 14-6 would apply.~~ Where this Ordinance provides specific numerical criteria different from the same criteria in the Traffic Engineering Handbook, this Ordinance controls.

(e) *Other criteria.* See Article 7 for additional criteria, including driveway, parking and garage regulations.

Amend Section 70-27 of the City Code of Ordinances as follows:

Sec.70-27. Curb cuts and driveways; concrete.

(a) *Curb cuts, etc.* Only one curb cut and only one driveway is allowed along the front street line of any building site less than 60 feet wide, measured along the front street line.

(b) *Two or more curb cuts.* If there are two or more connected curb cuts or driveways on a building site (for example, when there is a circular driveway), the following apply:

(1) At the front street line, no part of a curb cut or driveway may be closer than two feet to a side property line. In the street area, no part of the curb cut or driveway may cross the imaginary extension of a side property line, unless the affected neighboring owner consents in writing. The building official may make exceptions to these rules when there is no practical alternative or when necessary to prevent harm to a tree.

(2) Measured along the edge of the main traveled roadway:

a. The opening width of the driveway and curb cut shall be ~~14 feet~~; as specified in Table 7-5(a) in Appendix A of the City Code of Ordinances of the City of West University Place;

b. The inside edges must be at least ~~24~~ 28-feet apart; ~~and~~

c. The width of the "island" area may be covered with hard surfaced material if installing a new or replacing an existing public sidewalk; and,

d. The curb cuts must be located along the front street line.

(3) No driveway may be wider than ~~14 feet~~ what is allowed or specified in Table 7-5 (a). in Appendix A. of the Code of Ordinances.

(4) Within the street area, the edges of each driveway must be perpendicular to the edge of the main traveled roadway.

(c) *"Open ditch" areas, culverts.* If a driveway is connected to a roadway where there is no curb and gutter, there must be a concrete culvert beneath the driveway. The inside diameter of the culvert must be at least 12 inches, and the length must be at least 14 feet. The public works director may eliminate or modify the culvert requirement at a specific location, but only to the extent the specified culvert is not necessary for adequate area drainage.

(d) *Reinforcement.* All concrete used in constructing driveways shall be reinforced by using, at a minimum, one of the following:

(1) #3 deformed steel reinforcing bars spaced 12 inches or closer; or

(2) #4 deformed steel reinforcing bars spaced 16 inches or closer.

Sidewalks outside driveway areas may be reinforced by one of these methods or by 6x6x6 wire mesh, at a minimum.

(e) *Certain temporary driveway permits.* The director is authorized to issue permits for temporary driveway access to a site, if primary access to the site is interrupted by construction or another temporary condition. In addition to the requirements of section 8-104 of the zoning ordinance, appended in this Code, such a permit must require:

(1) Barricading or removal of any temporary driveway on a residential street within 24 hours following resumption of primary access to the site; and

(2) Restoration of each area affected by temporary driveway access to its pre-existing condition, within 14 days following resumption of primary access to the site.

Such a permit may also contain additional restrictions and conditions designed to reduce impacts on street areas, utilities, nearby land uses or traffic.

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	May 20, 2013	AGENDA ITEM:	3D
DATE SUBMITTED:	May 6, 2013	DEPARTMENT:	Public Works
PREPARED BY:	Debbie Scarcella, City Planner	PRESENTER:	Debbie Scarcella, City Planner; Steve Brown, ZPC Chairman
SUBJECT:	Definitions of Building Sites and Locations of Fences.		
ATTACHMENTS:	Ordinance and Final Report		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

Many building sites are made up of multiple lots that are developed as a single building site. Some of these building sites are oddly shaped, adjoin two different street frontages or are combined with another lot and are not clearly defined in the Zoning Ordinance. In some cases, those yard (setback) areas that have been intended as front yard (setback) areas are fenced as if they were rear or side yards (setbacks). The purpose of this proposal is to 1)clarify that the provisions in Table 7-6 of the Zoning Ordinance apply to building sites, 2)clearly define the non-standard types of building sites, and, 3)establish rules for fencing of these building sites. These clarifying changes were prompted by staff based on a case heard by the BSC.

A joint public hearing was held on April 8, 2013. A continuation of the hearing and a meeting of the ZPC were held on April 11, 2013. No comments regarding the proposal were received. Council approved the first reading of the ordinance on May 13, 2013

RECOMMENDATION

The Zoning and Planning Commission and staff recommend approval of the ordinance on the second and final reading.

**City of West University Place
Harris County, Texas**

Ordinance No. _____

**AN ORDINANCE AMENDING THE ZONING ORDINANCE AND CODE
OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE,
TEXAS REGARDING DEFINITIONS OF BUILDING SITES AND
LOCATIONS OF FENCES; AND CONTAINING FINDINGS AND OTHER
PROVISIONS RELATING TO THE SUBJECTS.**

WHEREAS, the City Council and the Zoning and Planning Commission ("Z&PC") of the City of West University Place, Texas ("City") have held a joint public hearing on a proposal to amend the Zoning Ordinance of the City, as last re-formatted and re-adopted by Ordinance No. 1672, adopted March 12, 2001, and as subsequently amended ("Zoning Ordinance");

WHEREAS, the Z&PC has made a final report to the City Council with respect to such proposal, which report is attached as Exhibit A and made a part of this ordinance; and

WHEREAS, the City Council has considered the report of the Z&PC as well as the City's Comprehensive Plan, and City Council formally approves and adopts the report of the Z&PC; and

WHEREAS, all notices, hearings and procedures relating to amending the Zoning Ordinance, as may be required by law, the City Charter or the Zoning Ordinance, have been duly given, held and followed, and the City Council has jurisdiction to amend the Zoning Ordinance as provided herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF WEST UNIVERSITY PLACE:**

Section 1. The City Council officially finds, determines, declares and adopts all of the matters set out in the preamble of this ordinance, and the Zoning Ordinance is hereby amended as recommended by the Z&PC, according to the Z&PC's final report in Exhibit A, which is attached and made a part of this ordinance for all purposes.

Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 3. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other

persons or circumstances, shall be affected thereby.

Section 4. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof. The City Council officially finds, determines and declares that sufficient notices of the joint public hearing were given, and the City Council ratifies, approves and confirms such notices, including the contents and the method in which they were given.

Section 5. This ordinance shall become effective on the tenth day following its publication, as provided in the City Charter.

CONSIDERED, PASSED, AND APPROVED on first reading on _____,
20____.

CONSIDERED, PASSED, AND APPROVED on second reading, **AND SIGNED**, on
_____, 20____.

Attest: _____
City Secretary

Signed: _____
Mayor

Recommended:

City Manager

Approved as to legal form:

City Attorney

Exhibit A

Zoning & Planning Commission

City of West University Place, Texas
3800 University Boulevard
West University Place, Texas 77005

April 11, 2013

Honorable Mayor &
Members of the City Council
City of West University Place
3808 University Boulevard
Houston, Texas 77005

Subject: Final report on a proposal to amend the Zoning Ordinance and Code of Ordinances of the City of West University Place, Texas ("City") relating to DEFINITIONS OF BUILDING SITES AND LOCATIONS OF FENCES.

To the Honorable Mayor
& Members of City Council:

The Zoning & Planning Commission (Z&PC) of the City submits this, its final report, on the subject proposal, for the assistance of the Council as well as other interested persons.

Scope of Proposal. Many building sites are made up of multiple lots that are developed as a single building site under the requirements of Sec 5-100 of Appendix A of the City Code of Ordinances, the "Zoning Ordinance". Some of these building sites are oddly shaped, adjoin two different street frontages or are combined with another lot and are not clearly defined in the Zoning Ordinance. In some cases those yard areas that have been front yards for many years are fenced as if they were rear or side yards. The purpose of this proposal is to 1) clarify that the provisions in Table 7-6 of the Zoning Ordinance apply to building sites, 2) clearly define the non-standard types of building sites and, 3) amend rules for fencing of these building sites.

A). This proposal amends Appendix A, Table 7-2, Yards (or "setbacks") of the City Code of Ordinances to clearly define a through lot or rear through lot and clarify that both types of lots require front yard setbacks for fencing and for fence-like

hedges,

B). This proposal amends Appendix A, Table 7-6, Notes 8.1, 8.2 and 11, which clarify that the definitions apply to building sites and that fencing is covered in the zoning ordinance and Chapter 18 of the Code of Ordinances,

C). this proposal adds definitions of different building sites to Chapter 2 of the Zoning Ordinance, and

D). This proposal amends Chapter 18 of the Code of Ordinances to standardize the requirements for fencing in the front yard and for rotated corner building sites.

The public hearing held on April 8, 2013 at 6:30 p.m. in a joint session with City Council yielded some comment from the public. The public hearing was recessed and continued to the regular session of the Zoning and Planning Commission held on April 11, 2013 at 6:00 p.m. There were no additional comments received and no changes to the proposal requested. The Zoning and Planning Commission closed its portion of the public hearing.

Recommendation. Based on the review given this proposal, the Z&PC: (i) finds that the proposal, if adopted, would be in the public interest and consistent with the Comprehensive Plan, (ii) finds that the proposal reasonably addresses circumstances which have arisen since the last comprehensive revision of the zoning ordinance, (iii) makes its final recommendation favorable to the proposal, and (iv) recommends that the City Council adopt the proposal.

The Vote. The vote on approval of this report was as follows: Brown, Frankel, DeStefano, Griffith, Parikh, Clark and McEnany voted "aye"; 0 "noes"; 0 absent.

Respectfully submitted:

ZONING AND PLANNING COMMISSION OF THE
CITY OF WEST UNIVERSITY PLACE, TEXAS

By: 
For the Commission

“Exhibit A”

Amend Table 7-2 of Appendix A of the City Code of Ordinances of the City of West University Place, Texas to substantially read as follows:

Table 7-2: Yards (or 'setbacks')		General Rule: No part of any structure may be located within a part of a building site included within a yard defined, by District, in this table. ("N/A" means the rule does not apply.) Exceptions/Special Rules: (1) Structures may be located in yards to the extent allowed by the Projections Schedule. (2) See special rules noted in table. (3) See PDD Schedules for Planned Development Districts. (4) See additional setbacks in the PWSF Schedule.						
Item	Measurement	SF-1	SF-2	SF-3	TH	GR-1	GR-2	C
Front yard	Distance from front street line.	20 feet if the building site depth is 110 feet or less; 25 feet if the building site depth is more than 110 feet but not more than 125 feet; 30 feet if the building site depth is more than 125 feet. See Note 5.			10 ft. See Note 7.	20 ft. See Note 7		30 ft. See Note 5
Interior side yard	Distance from side property line (each side).	Greater of 10% of building site width or 5 feet. See Note 2.			5 ft. See Note 4. See Note 7.		5 ft. See Note 4.	
Street side yard	Distance from side street line.	Greater of 10% of building site width or 5 ft. See Notes 2, 3, 6.	Greater of 10% of building site width or 5 feet. See Notes 2, 6.		10 ft. See Note 7.		15 ft.	
Rear yard	Distance from rear property line.	20 ft. See Note 1.			20 ft. See Note 7.	5 ft. See Note 7.		5 ft.
SF Bufferyard	Distance from nearest part of an SF District	N/A	N/A	N/A	20 ft. See Note 7.		10 ft.	

Note 1. "Through Lots or Building Sites" or "Rear Through Lots or Building Sites". If a lot or building site extends all the way through a block so that the front and rear both abut a street area, there is no rear yard. The site is a "through" or "rear through" lot or building site, and is treated as if there were considered to have two front yards, one at each street frontage, each with the same depth as the average front yard on the same side of the block. Front yard (setbacks) shall be as provided in Table 7-2.

Note 2. Narrow Site "3/7" Exception. Alternate side yard areas apply to a building site meeting all four of the following criteria: (A) The building site is less than 55 feet wide. (B) The use is single-family (detached) use. (C) Outside the rear yard, no main wall surface of any building is closer than 10 feet to any main wall surface of a "prior building" on another building site (unless there are "prior buildings" on both sides, each within seven feet of the property line, in which case the minimum separation from a "prior building" is eight feet). A "prior building" is a building in existence, under construction

or covered by a current building permit when a building permit is issued for the subsequent building. (D) The owner has designated alternate side setback areas in a form approved by the administrative official and in accordance with all of the following criteria: (1) Minimum setback, interior: 3 feet. (2) Minimum setback, street side: 5 feet. (3) Minimum setbacks, both sides combined: greater of 10 feet or 20% of the building site width. (4) On each side, the setback is uniform in width along its entire length. See Table 7-5a regarding "alternating driveway" rule.

Note 3. Rotated Corners. For rotated corner building sites (SF-1 District only), the minimum side street yard width is: (i) 10 feet if the building site width is 65 feet or less, (ii) 10 feet plus the distance by which the width of the building site exceed 65 feet, if the building site width is more than 65 feet but less than 75 feet, (iii) 20 feet if the building site width is 75 feet or more but less than 100 feet, or (iv) for building sites 100 feet wide or more, the side street yard width is determined by the same rules as the front yard depth, except that the "depth" of the building site is measured from the side street line.

Note 4. Common Walls. In the TH, GR-2 and C District, the ZBA may issue a special exception for a zero-width side yard, but only upon application by both property owners and only if the special exception is conditioned upon the construction and maintenance of a common wall or continuously abutting separate walls (in either case with a four-hour fire rating or better) along the property line. See, also, Note 7, below, for QMDS.

Note 5. Major Thoroughfares. The ZBA may issue a special exception for a front yard less than 30 feet deep abutting a major thoroughfare, if the front yard prescribed is at least 10 feet deep, and if the special exception requires the greatest practicable amount of pervious area in the front yard.

Note 6. Special Exception. The ZBA may prescribe a different street side yard by special exception relating to frontage. See [Article 8](#).

Amend Appendix A, Table 7-6 Projections Schedule, of the City Code of Ordinances of the City of West University Place, Texas to substantially read as follows:.

Table 7-6. Projections Schedule, cont.

Type Of Structure		Maximum Allowed Projection (In Inches), Measured From The Inside Edge Of The Yard.				Special Rules For Calculating Open & Pervious Areas
		Front Yard	Rear Yard	Side Yard	SF Bufferyard	
Certain Accessory Structures	Basketball goals	120"	No limit	No limit generally, <i>but see Note 7.</i>	No limit	The area may count as both open area and pervious area.
	Playground equipment	0	No limit	0	No limit	The area may count as both open area and pervious area.
	Flagpoles	120"	0	0	0	The area may count as both open area and pervious

						area.
Fences	0, <i>but see Notes 8.1, 8.2, and 12.</i>	No limit	No limit, <i>but see Notes 8.1, 8.2 and 11.</i>	No limit		The area does not count as either open or pervious area.
Swimming pools	0	0, <i>but see Note 9</i>	0, <i>but see Note 9.</i>	No limit		The area counts as open area. Only the water area counts as pervious area.
Tennis courts (with associated screens)	0	0	0	No limit		The area counts as open area but not pervious area (unless the area is made of grass).
Lights and lampposts	No limit generally, <i>but see Note 10.</i>	No limit generally, <i>but see Note 10.</i>	No limit generally, <i>but see Note 10.</i>	No limit generally, <i>but see Note 10.</i>		The area may count as both open area and pervious area.
Gate closers	24"	No limit	No limit	No limit		The area may count as both open area and pervious area.
Signs (see Code of Ordinances)	No limit	0	0	0		The area does not count as either open or pervious area.

Note 8.1 Fences. Fences may project into front and side yards to the extent expressly required or authorized by City ordinance (e.g., provisions in Chapter 18 of the Code of Ordinances ~~requiring front fences for temporary construction purposes and to screen nonresidential uses~~; provisions in PDD schedules for front fences). Also in the Code of Ordinances, there are: (i) requirements for emergency portals in fences (Chapter 18) and (ii) restrictions on fences, certain "fence-like hedges" and other things in visibility areas (Chapter 82). In a QMDS low fences (3.5 feet or lower) may be located anywhere, if made of ornamental metal or white pickets.

Note 8.2. Fence-like hedges. Fence-like hedges within the front yard (setback) of a building site containing no principal building are prohibited. This provision applies to all adjacent side yard ~~lots~~ building sites and rear through ~~lots~~ building sites. Visibility triangles and visibility areas, as defined by this Ordinance, are subject to further restrictions as contained in Chapter 82 of the Code of Ordinances.

Note 11. Rotated Corner Fences. Notwithstanding any other provision of this ordinance or any other ordinance, no fence is allowed in the side street yard of a rotated corner building site (SF-1 District), except for temporary construction fences required by Chapter 18 of the Code of Ordinances.

Note 12. Front Fences in Townhouse Districts. On a building site in a townhouse district (including the TH and PDD-TH districts), there may be fences in the front yard, but not higher than seven feet and not closer than five feet to the front street line. More permissive provisions elsewhere may also apply.

Add the following to Chapter 2 of Appendix A, Section 2-102, "Certain Terms". For purposes of this amendment, the illustrations attached and labeled 2-102a, b, c and d are adopted as a part of this proposal and added to the illustrations at the end of this appendix.

"Corner building site" or "lot" means a building site abutting two streets intersecting at an angle of not more than one hundred thirty-five degrees. If the angle of intersection is more than one hundred thirty-five degrees, the building site is an "interior lot".

"Through building site" or "lot"; "rear through building site" or "lot" means a building site other than a corner building site with frontage on more than one street other than an alley.

"Interior building site" or "lot" means a building site abutting only one street or abutting two streets which intersect at an angle greater than one hundred thirty-five degrees.

"Adjacent side yard building site" or "lot" means a building site that abuts another through a shared side property line.

Rotated corner building site or "lot". A corner building site in the SF-1 District which has been "rotated" from one street to the other, such that it has a front street line lying along a street that is different from the street along which the front street line of the original corner lot would lie. The original corner lot is the single subdivided lot on the same corner, as created by the plan recorded in Volume 444, Page 563 of the Deed Records of Harris County, Texas, entitled "Map Showing West University Place, A Part Of The A.C. Reynolds Survey, Harris County, Texas." In the SF-1 District, most rotated corner building sites will be oriented north-south, because most of the original corner lots were oriented east-west (except for lots along University Boulevard or Cason Street).

Amend Chapter 18 Code of Ordinances Fencing Regulations to read as follows:

Sec. 18-202. - Prohibition in front or side.

(a) *Prohibition.* No fence may be constructed, improved or structurally altered on the front ~~portion~~ yard (setback) of any building site. Exceptions: this restriction does not apply to low retaining walls, institutional security fences, fences owned by any governmental entity or fences or walls specifically required or allowed to be located in the front ~~portion~~ yard (setback) of a building site by this Code or the zoning ordinance. ~~In this article:~~

~~(1) *Front portion* means the area of a building site extending from the front street line to a depth equal to the depth of the front main wall of the principal building. The front street line is the common boundary between the front line of a building site and the street right-of-way. The front main wall is the front of the building exclusive of any porch or entranceway.~~

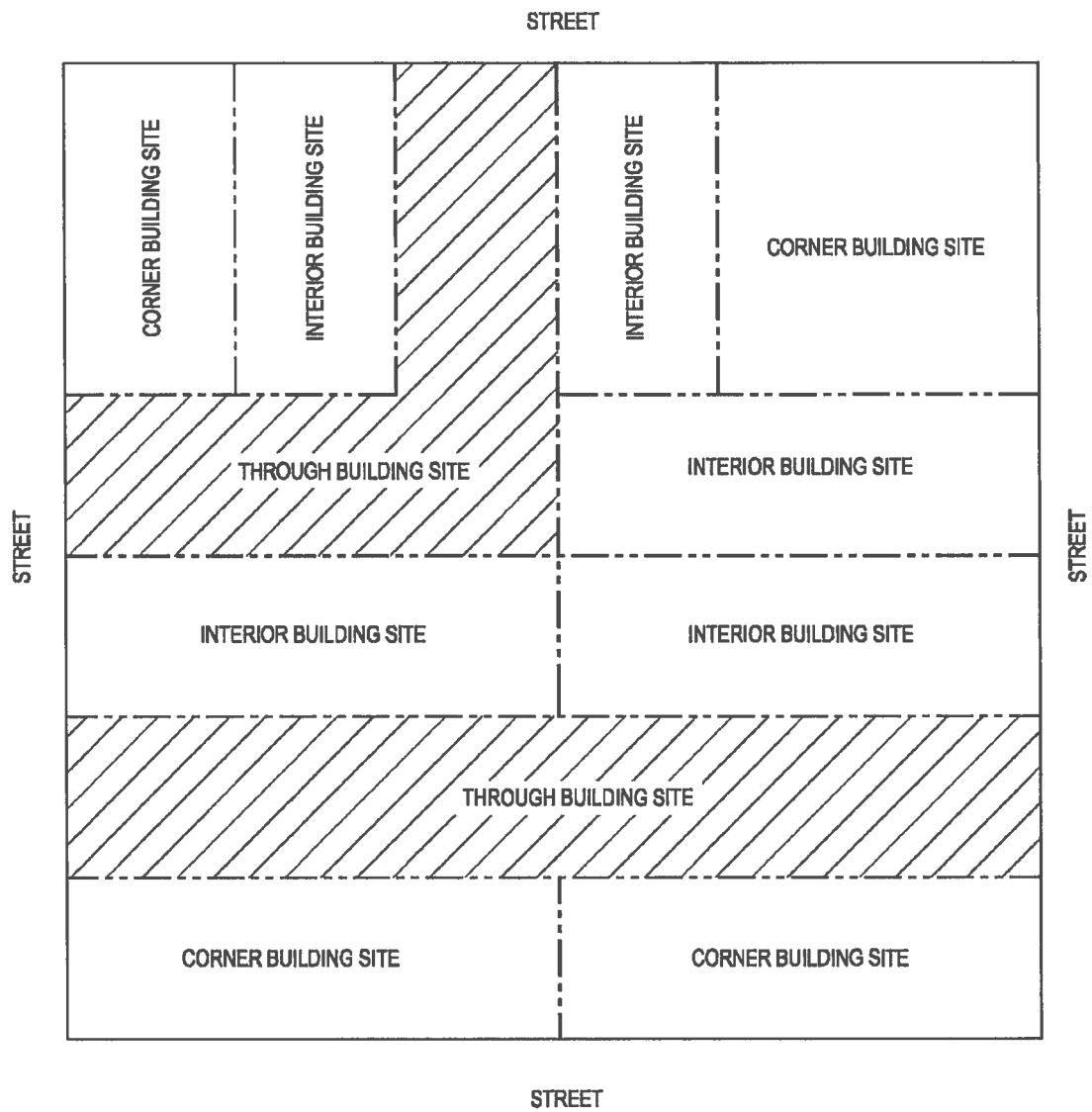


Illustration 2-102a

THROUGH BUILDING SITES

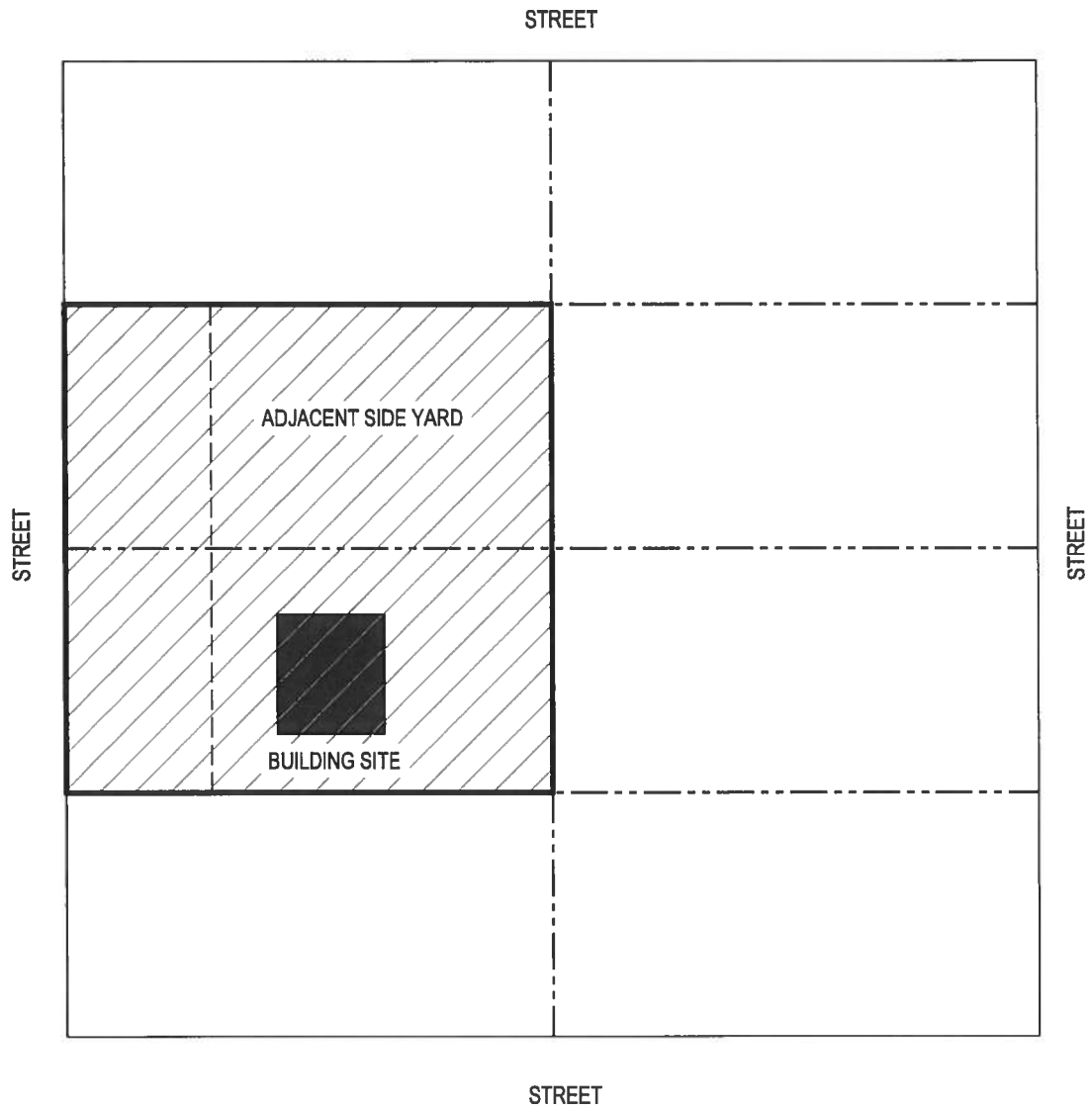


Illustration 2-102b

ADJACENT SIDE YARD

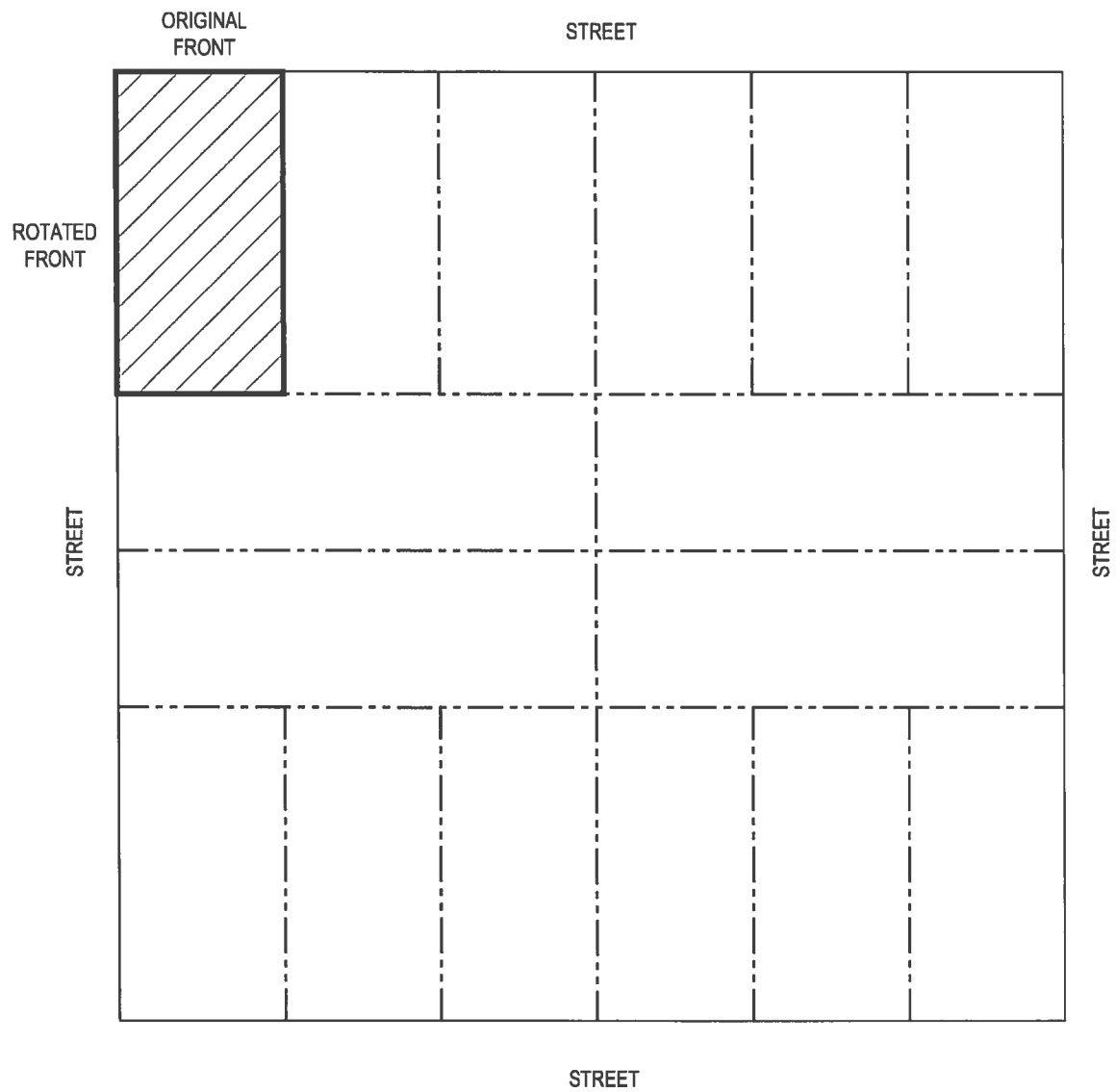


Illustration 2-102c

ROTATED CORNER BUILDING SITE

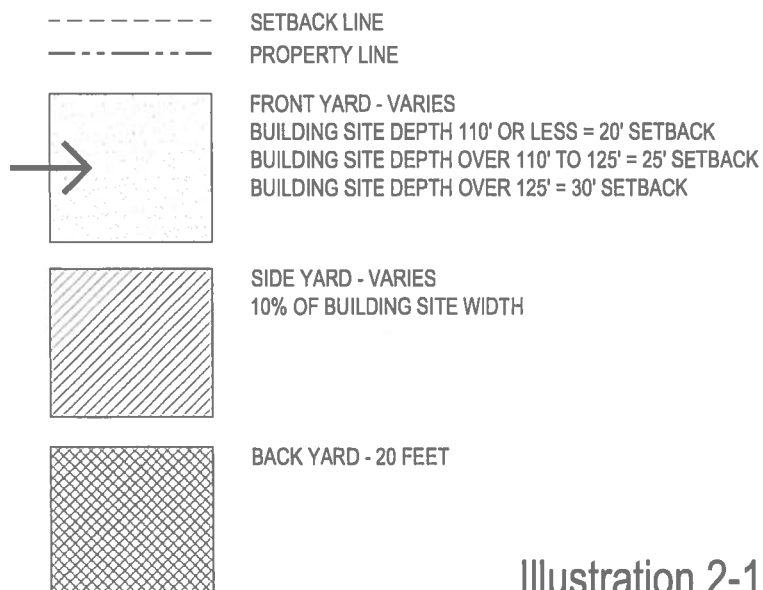
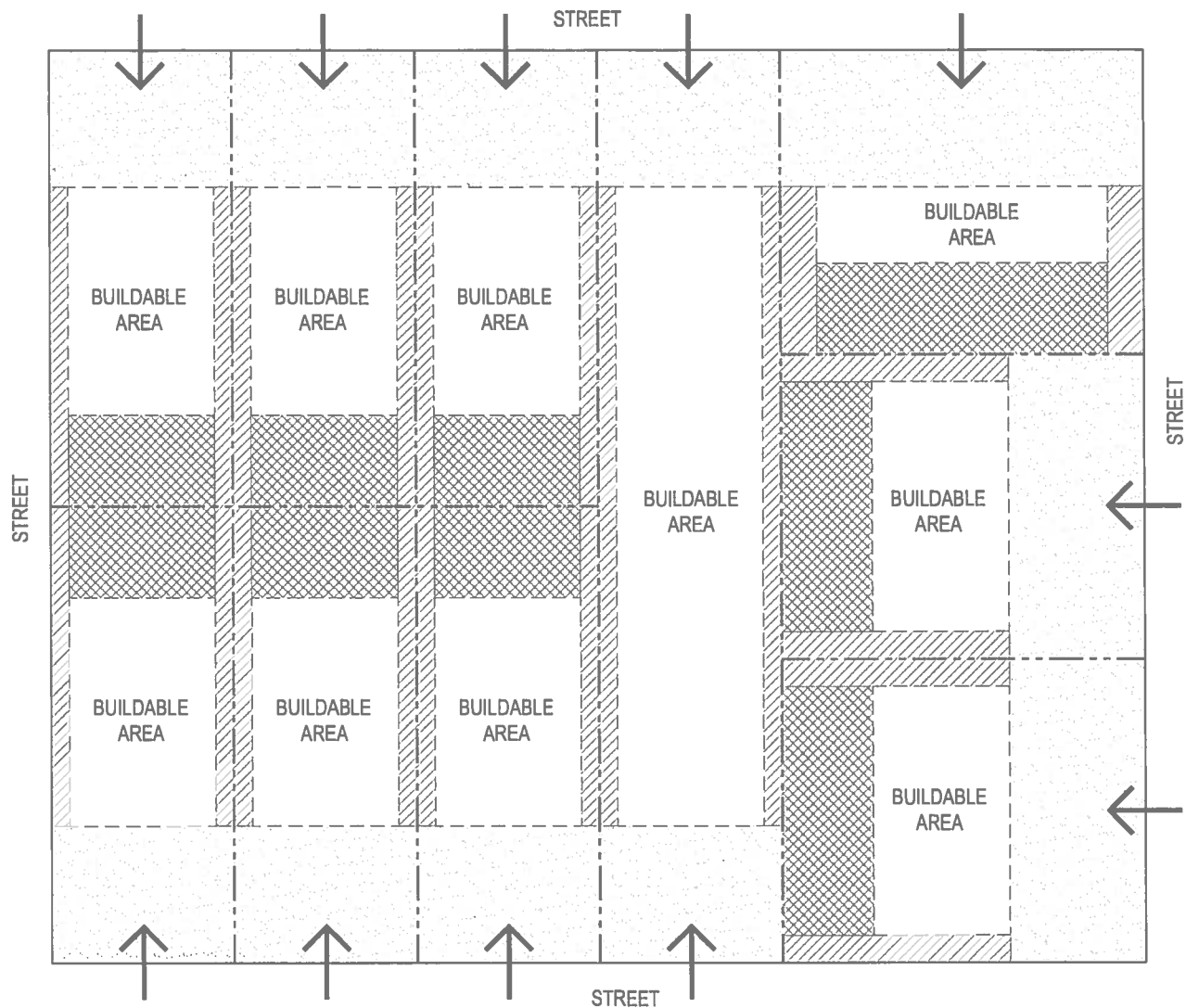


Illustration 2-102d

YARDS (SETBACKS)

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	May 20, 2013	AGENDA ITEM:	3E
DATE SUBMITTED:	May 15, 2013	DEPARTMENT:	Public Works
PREPARED BY:	Patrick Walters, Operations Superintendent	PRESENTER:	M. Christopher Peifer, Assistant City Manager / Director of Public Works
SUBJECT:	Water Well No. 8 Rehabilitation Project Close-Out		
ATTACHMENTS:	1. Letter of Recommendation 2. Final Change Order		
EXPENDITURE REQUIRED:	\$55,126.90 (final payment)		
AMOUNT BUDGETED:	\$250,000		
ACCOUNT NO.:	340-7000-85010		
ADDITIONAL APPROPRIATION REQUIRED:	\$0.00		
ACCOUNT NO.:	340-7000-85010		

EXECUTIVE SUMMARY

The project to rehabilitate Water Well #8 is complete. The original budget for the project was \$250,000 and, due to the good condition of the well structure, the final cost for the project came in at \$235,198.00. The recommendation from the engineer to accept the project as complete and approve the final change order and payment has been received and attached.

RECOMMENDATION

Staff recommends the approval of the final change order and acceptance of the project allowing final payment to Alsay, Inc. in the amount of \$55,126.90.

May 14, 2013

Mr. Chris Peifer
Assistant City Manager/Public Works Director
City of West University Place
3826 Amherst
West University Place, TX 77005

Re: **Certification of Completion**
Water Well No. 8 Rehabilitation Project
City of West University Place, Texas
HDR Job No.: 12-004

Dear Mr. Peifer:

Based on our observation and to the best of our knowledge, information and belief, the work has been completed in accordance with the terms and conditions of the Contract Documents.

Therefore, it is recommended that this project be accepted by the City of West University Place by issuing Alsay, Inc. a Certificate of Acceptance.

Sincerely,

HDR Engineering, Inc.



Stephen Ratcliffe, P.E.
Senior Project Manager

SR/sa/rs

CHANGE ORDER No. 2 (Final)

PROJECT:	Water Well No. 8 Rehabilitation	DATE OF ISSUANCE:	05/10/13
OWNER:	City of West University Place	OWNER's Project No.:	
(Name &	3800 University Blvd	ENGINEER:	HDR Engineering, Inc
Address)	West University Place, TX		4635 Southwest Freeway, Suite 1000
CONTRACTOR:	Alsay Incorporated		Houston, Texas 77027
CONTRACT FOR:	Water Well Rehab.	ENGINEER's Project No.:	<u>12-004</u>

You are directed to make the following changes in the Contract Documents.

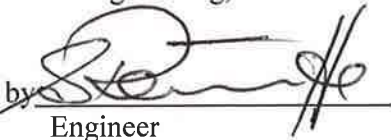
Description: Delete supplemental item S-18 additional TV Surveys

Purpose of Change Order: Additional TV survey not used

Attachments:

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
Original Contract Price	Original Contract Time
\$ 278,350.00	120 calendar days
Previous Change Orders No. <u>1</u> to No <u>1</u>	Net change from previous Change Orders
\$ <u>(41,352.00)</u>	0 calendar days
Contract Price prior to this Change Order	Contract Time Prior to this Change Order
\$ 226,998.00	120 calendar days
Net Decrease of this Change Order	Net Increase (Decrease) of this Change Order
\$ <u>(1,800.00)</u>	0 calendar days
Contract Price with all approved Change Orders	Contract Time with all approved Change Orders
\$ 235,198.00	120 calendar days

RECOMMENDED:
HDR Engineering, Inc.

by 
Engineer

APPROVED:
City of West University Place

by _____
Owner

APPROVED:
Alsay Incorporated

by 
Contractor